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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/783,632

02/20/2004

Takashi Maki

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7590

07/15/2008

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EXAMINER

KASSA, YOSEF

ART UNIT

PAPER NUMBER

2624

MAIL DATE

DELIVERY MODE

07/15/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/783,632	Applicant(s) MAKI ET AL.	
	Examiner YOSEF KASSA	Art Unit 2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24,28,30-33,36-59 and 68 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,13,15,16,28,30-33,36-39,49 and 50 is/are rejected.
- 7) ☒ Claim(s) 2,5-11,14,17-24,40-48 and 51-59 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>2/20/04,4/22/04,11/3/04,10/29/07.</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 4, 13, 15, 16, 28, 30-33, 36-39, 49 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Niikawa (U.S. Patent 6,668,134).

With regard to claim 1, Niikawa discloses setting an output (i.e., displaying image frames) sequence of the plurality of still images (refer to col. 10, lines 52-60); and

adding data indicating a storage location of each of the still images according to the set output sequence (refer to col. 8, lines 52-63 and col. 20, lines 41-48), to a header portion of the file (refer to Fig. 6, header part). Although, Niikawa reference does not expressly call for setting an output sequence of the plurality of still images, it would have been obvious if not inherent, that Niikawa does in fact disclose “an image file management unit 51 in Fig. 11b, for managing each of image files” (refer to col. 11, lines 15-22). Thus, an ordinary artisan would have recognized the term “an image file management” is used in Niikawa reference perform the same function as the above claim limitation.

With regard to claim 3, Niikawa discloses wherein the setting the output sequence sets the output sequence with respect to still images having same picture taking conditions, of the plurality of still images (refer to col. 7, lines 40-53).

With regard to claim 4, Niikawa discloses wherein the setting the output sequence sets a display interval of each of the still images together with the output sequence that is set as a display sequence (refer to col. 3, lines 50-55).

Claims 13, 15, 16, 28, 30-32, 33 and 36-38 are similarly analyzed and rejected the same as claims 1, 3 and 4.

Claim 31 is similarly analyzed and rejected the same as claim 1. Except, the additional limitation of “subjecting the file to an inverse conversion so that the file is converted into the plurality of still images and one file is formed by each of the plurality of converted still images” (refer to col. 5, lines 65-col. 6, lines 6).

With regard to claim 39, Niikawa discloses wherein setting the reproducing sequence sets a still image that is to be used as a thumbnail of a dynamic image from the plurality of still images as dynamic image thumbnail information, and where adding the data adds the dynamic image thumbnail information to the header portion of the file (refer to 8, lines 48-63).

Claim 50 is similarly analyzed and rejected the same as claim 39.

Allowable Subject Matter

2. Claims 2, 5-11, 14, 17-24, 40-48 and 51-59 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Other Prior Art Cited

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent No. (6690843), (5761655), (6623528) and (6202061).

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to YOSEF KASSA whose telephone number is (571) 272-7452. The examiner can normally be reached on Monday-Thursday from 8:00 AM to 6:30 PM.

The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300 for regular communication and (571) 273-8300 for after Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the customer service office whose telephone number is (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

07/11/2008.

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/YOSEF KASSA/

Primary Examiner, Art Unit 2624